IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5798 OF 2005

Mohd. Hussain Mohd. Yusuf & Ors. ...Petitioners.
Vs.
Smt. Haleena Mohd. Hanif & Ors. ...Respondents.
....
Mr.Anilkumar Patil for the Petitioner.
Mr. P.N. JOshi for Respondent Nos.1, 4 to 6 and 8.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

June 6, 2006.

P.C.

A decree for eviction has been passed on four grounds: (i) Bonafide requirement; (ii) Acquisition of suitable alternative accommodation by the tenant; (iii) Change of user; and (iv) Arrears. At the hearing of the petition, Counsel appearing on behalf of the Petitioners has assailed the finding in regard to the issue of arrears on the ground that the notice was not valid. Counsel appearing on behalf of the Respondents submitted that even if for the purposes of argument, this Court were to come to a different conclusion on the issue of arrears, there is absolutely no reason to interfere with the concurrent findings on the issues relating to bonafide requirement, acquisition of suitable alternative

accommodation and change of user.

Having perused the judgments of both the Courts, I am of the view that the decree is capable of being sustained on the grounds of bonafide requirement of the landlord, acquisition of suitable alternative accommodation by the tenant and change of user. The concurrent findings of fact do not warrant interference under Article 227 of the Constitution. Counsel appearing on behalf of the Petitioners, however, prays that a sufficiently long period of time to vacate the premises may be granted. The ends of justice will be met if time to vacate the premises is granted till 31st March 2007 subject to the filing of the usual undertaking. Undertaking to be filed within four weeks. The Petition is accordingly disposed of.

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